

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DESTINY DAWN MCKINZIE,

Plaintiff,

vs.

CITY OF LINCOLN AND
LANCASTER COUNTY, LINCOLN
POLICE DEPARTMENT, JOHN
BRANDL, individually and in his
official capacity as OFC #957 Lincoln
Police Department Officer; and CHAD
HEIN, individually and in his official
capacity as OFC #1550 Lincoln Police
Department Officer;

Defendants.

4:18CV3071

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff Destiny Dawn McKinzie's "Request for Waiver of Filing Fees Due to Indigent Conditions of Plaintiff." ([Filing No. 2](#).) However, her request does not comply with the terms of [28 U.S.C. § 1915](#), the statute authorizing proceedings in forma pauperis. *See 28 U.S.C. § 1915(a)(1)* (requiring the plaintiff to submit "an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor"). Plaintiff has the choice of either submitting the \$400.00 filing and administrative fees to the clerk's office or submitting a request to proceed in forma pauperis that complies with [28 U.S.C. § 1915](#). Failure to take either action within 30 days will result in the court dismissing this case without further notice to Plaintiff.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Request for Waiver of Filing Fees ([filing no. 2](#)) is denied without prejudice to reassertion in a motion to proceed in forma pauperis that complies with [28 U.S.C. § 1915](#).
2. Plaintiff is directed to submit the \$400.00 fees to the clerk's office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.
2. The clerk of the court is directed to send to Plaintiff the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").
3. The clerk of the court is directed to set a pro se case management deadline in this matter with the following text: **June 25, 2018**: Check for MIFP or payment.

Dated this 24th day of May, 2018.

BY THE COURT:

s/ *Richard G. Kopf*
Senior United States District Judge